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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------|-------------|----------------------|---------------------|------------------|
| 10/035,769 | 12/26/2001 | David A. Seddon | A1091 | 3834 |
| 21495 | 7590 | 05/12/2004 | EXAMINER | |
| CORNING CABLE SYSTEMS LLC | | | PATEL, TULSIDAS C | |
| P O BOX 489 | | | ART UNIT | PAPER NUMBER |
| HICKORY, NC 28603 | | | 2839 | |

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,769

Applicant(s)

SEDDON ET AL.

Examiner

T. C. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7 and 9-15 is/are allowed.
- 6) ☒ Claim(s) 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

General Status

1. This is a Second Non-Final Action on the Merits for RCE. Claims 1-5, 7-15 are pending in the case.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “the layer of the buffer tubes of said first optical fiber cable being optically connected to a corresponding layer of buffer tubes of said second fiber optic cable” as recited in claim 5, “concatenated cables” as recited in claims 8 and 10; “the layer of buffer tubes of said first optical fiber cable being optically connected to a non-corresponding layer of buffer tubes of said second fiber optic cable”, as recited in claim 11, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lail et al. (US 5,930,431) in view of Nakamura et al. (US 6,550,985).

Lail et al. in figures 1 and 2, discloses a cable with two layers. Since the fibers in each of the tubes are similarly constructed, they will have essentially the same length (the cable is not stranded). However, Lail et al. does not disclose connection of two cables. Nakamura et al. in figure 1, discloses connection of two fibers. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to optically connect the two fibers, as taught by Nakamura et al. so that the optical signal can be transmitted to a greater length.

Allowable Subject Matter

5. Claims 1-5, 7, 9-15 are allowed.

6. The prior art made of record and not relied upon is considered pertinent to applicant's invention. Nishimura (US 6,728,452) discloses two-cable connection and Dean et al. (US 4,230,395) discloses non-stranded cable.

Applicant also should consider these references in response to this office action. Should issue arise concerning the rejection presented above, these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.

Response to Arguments

7. Applicant's arguments with respect to claim 8 have been considered but are moot in view of the new ground(s) of rejection.

The Applicant has argued that the inner and outer tube fibers are stranded and the outer layer would have larger radius compared to the inner layer, hence the fiber length will not be the same. The Examiner has used the Lail et al. reference to reject the claim and the fibers are not stranded, therefore, the inner and outer layers would have the same length.

Applicant is reminded that

- the claim does not require the inner and outer layers to be stranded(or have some helix factor).
- Claim also do not specify, where the “at least one cable section” is located. The ‘at least one cable section’ may be located where the fibers are not concatenated.
- Claim does not require helix factor for the inner and outer tubes to be the same.
- The specification does not specify separate ‘lay length’ for the inner and outer layers of the tubes.
- If the concatenated zone (where the cables are connected) forms a part of the ‘at least one cable section’, the specification or the claim 8 do not specify what length(s) of cable is included on either side of the concatenated zone (the length on either side of the concatenated zone has an impact on the total length of the cable in each of the layers).

Since the Examiner has used a new art, the rejection has been made non-final.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. C. Patel whose telephone number is (571) 272-2098. The examiner can normally be reached on 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 271-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



T. C. Patel
Primary Examiner
Art Unit 2839

Tcp
May 10, 2004